

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

WP(C).No. 24966 of 2007(V)

PETITIONER:

**BIJU, AGED 37, S/O.SUKUMARAN,
PLAVILA NADUTHATTU PUTHEN VEEDU, VENNIYOOR,
NELLIVILA P.O., THIRUVANANTHAPURAM.**

**BY ADV. SRI.R.T.PRADEEP
SRI.V.VIJULAL**

RESPONDENTS:

- 1. THE KERALA PUBLIC SERVICE COMMISSION
REPRESENTED BY ITS SECRETARY,
OFFICE OF KERALA PUBLIC SERVICE COMMISSION,
PATTOM,
THIRUVANANTHAPURAM-4.**
- 2. THE KERALA STATE ROAD TRANSPORT
CORPORATION,
REPRESENTED BY ITS MANAGING
DIRECTOR, TRANSPORT BHAVAN, FORT,
THIRUVANANTHAPURAM.**

BY ADV. SRI.ALEXANDER THOMAS,SC,KPSC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 08/10/2007, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**

V.GIRI, J.

W.P.(C).No.24966 of 2007 V

Dated this the 8th day of October, 2007.

JUDGMENT

The petitioner applied for selection to the post of Reserve Driver in the Kerala State Road Transport Corporation (for short "the Corporation"). As per Ext.P4 notification, the qualification prescribed by the Public Service Commission was pass in Standard IV and possession of valid driving licence with endorsement to drive heavy duty vehicles. The applicant should have completed 7 years after getting the licence, with 3 years or more of the said period, after taking the heavy duty licence as such. Ext.P3 is a photo copy of the driving licence issued to the petitioner. I directed the learned counsel for the petitioner to produce the original of the driving licence and I have gone through the same. Licence was issued to the petitioner on 7.4.1996. In page 5 of the licence, it is noted that the holder of the licence is licensed throughout an year to drive

- (a) Light Motor Vehicles
- (b) Heavy Goods vehicles
- (c) Heavy passenger/motor vehicles

In respect of (B) and (C), the endorsement reads: “with effect from 4.1`0.1996”. In page 6 of the licence, it is further noted that the licence to drive a motor vehicle is from 7.4.03 to 1.5.2010. Apparently, apart from the licence to drive a light motor vehicle, a heavy goods vehicle and a heavy passenger vehicle, the petitioner has also obtained a badge for driving a transport vehicle. This is evident from an endorsement made therein to the following effect:

“Licence to drive TV renewed from 22.2.02 to 21.1.2005. It seems that the original of the licence was lost and a duplicate is issued to the petitioner.

2. The last date of receipt of application in Ext.P4 notification was 31.1.2005. The petitioner made application pursuant to Ext.P4 on 24.1.2005. Apparently, the petitioner’s name was withheld from the rank list, as he did not have the requisite licence as on the date of the application. It is, therefore, that the writ petition is filed.

3. Public Service Commission has filed a counter affidavit essentially stating that the petitioner’s licence expired on 21.1.2005 and renewal was effected only on

24.4.2005; that on the date of the application the petitioner did not have a valid licence and therefore, the petitioner's name could not be included in Ext.P4.

4. I heard learned counsel for the petitioner and the standing counsel for the Public Service Commission.

5. As noted above, I have seen the original driving licence. I found from a perusal of the driving licence as certified by the Motor Vehicles Inspector, Neyyattinkara that the petitioner was authorized to drive heavy goods vehicle and heavy passenger vehicle with effect from 4.10.1996 and he has a driving licence to drive a transport vehicle from 22.2.2002 to 21.1.2005. The validity of the licence was renewed with effect from 7.4.2002 to 1.5.2010. Apparently, the validity of the authorization to drive a heavy goods vehicle and a heavy passenger vehicle with effect from 4.10.1996 does not seem to be restricted to any period and if so, it is co-terminus with the period of validity of the licence as such, which is 7.4.93 to 1.5.2010. If this be so, it cannot be said that the petitioner does not have the requisite qualification, on the date of the notification.

W.P.(C).No.24966/07

:: 4 ::

Consequently, the writ petition is allowed. First respondent is directed to treat the petitioner as qualified in terms of Ext.P4 notification for the post of Reserve Driver. He shall be considered as qualified, subject to the assessment of eligibility by the Public Service Commission. No order as to costs.

Sd/-
(V.GIRI)
JUDGE

sk/

//true copy//

P.S. To Judge.